IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 3772 of 2007(Y)

PETITIONER:

SANTHAMMA, AGED 60 YEARS,
WIFE OF LATE RAMAKRISHNAN, KALUVETTAMVILA VEEDU,
MULAVANA P.O. KOLLAM.

BY ADV. SRI.H.B.SHENOY
SRI.B.ASHOK SHENOY
SMT.LAKSHMI B.SHENOY
SRI.M.S.ABDUL RAHIM
SRI.SOBHAN GEORGE

RESPONDENTS:

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1. EMPLOYEES' PROVIDENT FUND ORGANISATION,
REPRESENTED BY ITS REGIONAL PROVIDENT FUND
COMMISSIONER,REGIONAL OFFICE,BHAVISHYANIDHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695004.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES' PROVIDENT FUND
ORGANISATION, OLD MUNICIPAL BUILDING,
CHINNAKADA, KOLLAM-691 001.

BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.3772 Of 2007

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Dated this the 14th day of February, 2007.

J U D G M E N T

Heard.

Petitioner was a Shelling Worker in a cashew factory. She joined service on 1.1.1965. According to her, she is a member of Employment Provident Fund Scheme. The issue in hand relates to an option to be exercised by her in statutory form. Apparently such options have to be exercised with the junction of the employer. Whatever that be, by the decision at the hands of the Assistant P.F.Commissioner, she was refused of the relief she claimed. Before entering any judicial review of such decision, it is appropriate that her complaint in that regard be considered by the Regional Provident Fund Commissioner, who is the statutory authority and an appropriate decision may be taken, having regard to the sufficient provisions embodied in the E.P.F and M.P.Act and the Scheme thereunder.

In the aforesaid circumstances, preserving the right of the petitioner to challenge the impugned decisions, this writ petition is disposed of, without entering on merits, relegating the petitioner to make appropriate representations to the Regional Provident Fund

Commissioner, who would take decision in the aforesaid matter at the earliest, particularly, because the petitioner is a widow aged 60 years and she was only a shelling worker.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj